THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.19957 OF 2007

Dated: 05-10-2007

Between:

M/s.M.G.Brothers Automobiles (P) Ltd.,
Nellore.

...Petitioner

and

1.The Commercial Tax Officer No.II,
Nellore and another.

...Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.19957 OF 2007

Dated: 05-10-2007

Order: (Per The Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending an appeal, the application for stay was heard and reserved for orders on 25-09-2007 by the second respondent-Appellate Deputy Commissioner. In the meantime, the first respondent-Commercial Tax Officer is proceeding with the recovery.

We have gone through the record. We feel that the

interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. The amount, if any, already deposited by the petitioner shall be given credit to.

Writ Petition is disposed of accordingly. No costs.

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(Bilal Nazki, J)

Dated 4th October, 2007

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(Ramesh Ranganathan, J)

Note:
Wire at party's costs.
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